

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Tr.P(Crl.).No. 49 of 2007(A)

CC.229/1999 of C.J.M.,KASARAGOD

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PETITIONER:

1. NARAYAN GAJANAN KOLLE,
S/O. GAJANAN GANAPATI KOLLE, 21, V.T.ROAD,
BHATKAL, KARNATAKA (PARTNER, M/S. SHIVANI
LABORATORIES).
2. SHANTABAI GAJANAN KOLLE, 21,
V.T.ROAD, BHATTAL, KARNATAKA (PARTNER,
M/S. SHIVANI LABORATORIES).
3. RAGHUVeer GAJANAN KOLLE,
S/O. GAJANAN GANAPATI KOLLE, 21, V.T. ROAD,
BHATKAL, KARNATAKA (PARTNER, M/S. SHIVANI
LABORATORIES).
4. SANJAY G.REVANKER,
AUTHORIZED SIGNATORY, M/S. SHIVANI LABORATORIES,
571/B, SHIRALI-581354, KARNATAKA.
5. M/S. SHIVANI LABORATORIES, 571/B,
SHIRALI-581354, KARNATAKA.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

1. DRUGS INSPECTOR,
OFFICE OF THE DRUGS CONTROLLER, KASARAGOD.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. M.S. BREEZE, PUBLIC PROSECUTOR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
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Tr.P.(Crl).No. 49 Of 2007
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Dated this the 9th day of July, 2007

ORDER

The petitioner faces indictments, identical in nature, before two courts, that is, Chief Judicial Magistrate's Court, Kasargod and Chief Judicial Magistrate's Court, Trichur. They pray that these cases may be permitted to be heard and disposed of by the same court, inasmuch as the legal question to be considered in both cases as same and identical. This application is strongly opposed by the learned Public Prosecutor. He contends that the witnesses to be examined belong to two different parts of the State, far distant from each other. In these circumstances, there is absolutely no justification in the prayer for joint trial and disposal of these cases, he submits.

2. I have anxiously considered all the relevant inputs. I find merit in the opposition of the learned Public Prosecutor. The mere fact that one question of law will have to be considered in both cases is according to me not sufficient to justify a direction of joint trial of these cases. I find merit in the opposition by the learned Public Prosecutor that the witnesses will have to unnecessarily travel a long distance, if both cases were to be tried by same court. To seizure witness will

have to be examined and directions for transfer would cause inconvenience to such witnesses, submits the learned Public Prosecutor. In the result this Transfer Petition is dismissed. The petitioners can certainly request the courts to consider the identical question of law separately in both cases.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE